

Sandoval County Board of County Commissioners

Agenda Item Summary

AGENDA ITEM # 2-6-14.10

1. REQUESTED MOTION

ACTION REQUESTED:

Approve a Zone Map Amendment (Ordinance No. 2-6-14.10) from CD-RRE to SU for Solar Energy Facility

WHY ACTION IS NECESSARY (Summary):

NM Statutory laws require review and approval of a zone change request by the Sandoval County Board of County Commissioners as the governing body for the County of Sandoval. (continued on next page)

2. REQUESTOR

COMMISSIONER SPONSORED: YES NO

DISTRICT: < SELECT DISTRICT >

DIRECTOR / ELECTED: Michael Springfield, Director

DIVISION: Planning and Zoning

ELECTED OFFICE:

ATTACHMENTS: YES NO

3. MEETING DATE

2-6-14

4. AGENDA (To be completed by County Manager)

- PROCLAMATION
- PRESENTATION
- CONSENT
- REGULAR
- APPEAL

5. RECOMMENDATIONS

The Planning and Zoning Commission recommends APPROVAL of this request, as noted in this report with recommended FINDINGS and CONDITONS OF APPROVAL.

6. FISCAL IMPACT

None

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official	Human Resources	Purchasing	County Attorney	Finance Budget	County Manager	Other
MRS 1/23/14	_____	_____	PFT 1/27/14	_____	PPR 1/29/14	_____

8. COMMISSION ACTION

Approved Denied Deferred Other

WHY ACTION IS NECESSARY (Summary) continued:

Action to review and consider approval of this request includes review of currently adopted and relevant planning policy.

This request is consistent with policies in the Sandoval County Comprehensive Plan regarding the appropriate location of industrial-type uses and consideration for impacts on the surrounding environment (Section I: Land Use and Natural, Cultural, and Historic Resources, Policy B and Strategy 3). The subject site (Approximately 79.8 acres of property located within Rio Rancho Estates and west of the Rio Rancho municipal limits. The lands in question are all within Unit 6, Rio Rancho Estates subdivision, as shown on the plat thereof filed in the Office of the Sandoval County Clerk and are further described as follows: Lots 15-34, Block 88; Lots 1-22, Block 87; Lots 7-16 and 20-27, Block 86; and Lots 8-14, Block 80) is in a location with a history of utility use development that has been previously reviewed and approved by the Sandoval County Board of Commissioners upon recommendations from the Sandoval County Planning and Zoning Commission. The proposed Solar Energy Facility will not require the use of water or a septic field, and has no facility-related emissions. The proposed use is not viewed as potentially disruptive to existing and future residential use of the surrounding area or to the surrounding natural environment.

The June 2013 DRAFT Rio Rancho Estates Area Plan (RREAP) is a policy plan for the County's jurisdiction of the Rio Rancho Estates subdivision area. With an area of over 43,000 acres, the DRAFT RREAP, recommended for approval to the Board of County Commissioners by the Planning and Zoning Commission, is designed to serve as a policy guide for the area's future development. Recommended policies in the DRAFT RREAP address issues including preservation of existing neighborhoods, future residential and non-residential development, and water conservation. Section 12, Plan Concept, proposes a Water Conservation Area/Open Space Area (June 2013 DRAFT RREAP, p. 40) and encourages low-water industrial-type uses for this area. The site of the proposed PNM Solar Energy Facility borders the proposed Water Conservation Area/Open Space Area. As a proposed utility use that does not require any water, the proposed use reflects the water conservation element for new industrial-type development as recommended in the June 2013 DRAFT RREAP.

Action to review and consider approval of this request includes review of the RECOMMENDATION, FINDINGS, and CONDITIONS OF APPROVAL as recommended by the Planning and Zoning Commission in their review of this case at a public hearing on January 23, 2014.

The RECOMMENDATION of the Planning and Zoning Commission pertaining to this request is APPROVAL.

The FINDINGS of the Planning and Zoning Commission pertaining to this request are the following:

- (1) ZNCH-14-001 is a request by Laurie Moye, Agent for Public Service Company of New Mexico (PNM), for approval of a Zone Map Amendment from CD-RRE (Rio Rancho Estates Community District) to SU (Special Use) district for a Solar Energy Facility and Related Uses for 79.8 acres of property located within Rio Rancho Estates and west of the Rio Rancho municipal limits. The lands in question are all within Unit 6, Rio Rancho Estates subdivision, as shown on the plat thereof filed in the Office of the Sandoval County Clerk and are further described as follows: Lots 15-34, Block 88; Lots 1-22, Block 87; Lots 7-16 and 20-27, Block 86; and Lots 8-14, Block 80. The subject site is currently zoned Rio Rancho Estates Community District (CD-RRE).

WHY ACTION IS NECESSARY (Summary) continued:

- (2) The proposed Solar Energy Facility is a Power Station use as listed in the Special Use (SU) district.
- (3) The request for Special Use (SU) district zoning for the proposed Solar Energy Facility is consistent with policies in the Sandoval County Comprehensive Plan regarding the identification of appropriate locations for industrial uses, and minimal impacts on surrounding residential and agricultural uses, and natural resources (Section I: Land Use and Natural, Historic, and Cultural Resources, Policy B, Strategy 3).
- (4) The site of the proposed PNM Solar Energy Facility borders the proposed Water Conservation Area/Open Space Area as illustrated in the June 2013 DRAFT Rio Rancho Estates Area Plan (RREAP). As a proposed utility use that does not require any water, the proposed use reflects the water conservation element for new industrial-type development as recommended in the June 2013 DRAFT RREAP (Section 12, Plan Concept, p. 40).
- (5) The request for Special Use (SU) district zoning for the proposed Solar Energy Facility satisfies the criteria for review for a request for SU zoning as established in Section 10, Special Use (SU) District, Subsection A, Intent (1-4).
- (6) The request for Special Use (SU) district zoning for the proposed Solar Energy Facility satisfies the criteria for review for a Zone Map Amendment as established in Section 19, Amendments, Subsection F, Guidelines (1-7). Subsection F, Guideline 8 regarding a community pre-application meeting, was found to be not applicable to this request due to a lack of community surrounding the subject site.

The recommended CONDITIONS OF APPROVAL pertaining to this request are the following:

- (1) The uses of the property shall be limited to those proposed with this application. Any substantial change in uses shall require the approval of the Board of County Commissioners upon recommendation of the Planning & Zoning Commission. In no case will any residential development of any kind be allowed within the Special Use (SU) district approved for the subject site.
- (2) The Zone Map Amendment will become effective upon the approval by the Board of County Commissioners of a plat consolidating the properties into one parcel and vacating road rights-of-way as appropriate.
- (3) The entrance to the facility shall be moved north from the location indicated on the site plan to Encino Road and 14th Street. The entrance shall be dimensioned with a minimum 20-foot access width, with gate and locking measures to be reviewed and approved by the County Fire Chief.
- (4) The grading and drainage plan for the subject site shall be reviewed and approved by the County Engineer prior to commencement of construction on the subject site.
- (5) Concertina fence wiring shall be placed only on the interior base of the perimeter fencing.

**SANDOVAL COUNTY
STATE OF NEW MEXICO**

In the Matter of the Request by Laurie Moye, Agent for Public Service Company of New Mexico (PNM), for approval of a Zone Map Amendment from CD-RRE (Rio Rancho Estates Community District) to SU (Special Use) district for a Solar Energy Facility and Related Uses for 79.8 acres of property located within Rio Rancho Estates and west of the Rio Rancho municipal limits. The lands in question are all within Unit 6, Rio Rancho Estates subdivision, as shown on the plat thereof filed in the Office of the Sandoval County Clerk and are further described as follows: Lots 15-34, Block 88; Lots 1-22, Block 87; Lots 7-16 and 20-27, Block 86; and Lots 8-14, Block 80. The subject site is currently zoned Rio Rancho Estates Community District (CD-RRE).

No. ZNCH-14-001

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER APPROVING A ZONE MAP AMENDMENT FROM CD-RRE TO SU**

The SANDOVAL COUNTY BOARD OF COUNTY COMMISSIONERS pursuant to NMSA 1978, §39-3-1.1 (2000 Cum. Sup.), hereby enters its Findings of Fact, Conclusions of Law and Order on this matter brought on for public hearing on February 6, 2014 pursuant to Section 19 of the Comprehensive Zoning Ordinance, as follows:

FINDINGS OF FACT

- (1) **ZNCH-14-001** is a request by Laurie Moye, Agent for Public Service Company of New Mexico (PNM), for approval of a Zone Map Amendment from CD-RRE (Rio Rancho Estates Community District) to SU (Special Use) district for a Solar Energy Facility and Related Uses for 79.8 acres of property located within Rio Rancho Estates and west of the Rio Rancho municipal limits. The lands in question are all within Unit 6, Rio Rancho Estates subdivision, as shown on the plat thereof filed in the Office of the Sandoval County Clerk and are further described as follows: Lots 15-34, Block 88; Lots 1-22, Block 87; Lots 7-16 and 20-27, Block 86; and Lots 8-14, Block 80. The subject site is currently zoned Rio Rancho Estates Community District (CD-RRE).
- (2) The proposed Solar Energy Facility is a Power Station use as listed in the Special Use (SU) district.
- (3) The request for Special Use (SU) district zoning for the proposed Solar Energy Facility is consistent with policies in the Sandoval County Comprehensive Plan regarding the identification of appropriate locations for industrial uses, and minimal impacts on

surrounding residential and agricultural uses, and natural resources (Section I: Land Use and Natural, Historic, and Cultural Resources, Policy B, Strategy 3).

- (4) The site of the proposed PNM Solar Energy Facility borders the proposed Water Conservation Area/Open Space Area as illustrated in the June 2013 DRAFT Rio Rancho Estates Area Plan (RREAP). As a proposed utility use that does not require any water, the proposed use reflects the water conservation element for new industrial-type development as recommended in the June 2013 DRAFT RREAP (Section 12, Plan Concept, p. 40).
- (5) The request for Special Use (SU) district zoning for the proposed Solar Energy Facility satisfies the criteria for review for a request for SU zoning as established in Section 10, Special Use (SU) District, Subsection A, Intent (1-4).
- (6) The request for Special Use (SU) district zoning for the proposed Solar Energy Facility satisfies the criteria for review for a Zone Map Amendment as established in Section 19, Amendments, Subsection F, Guidelines (1-7). Subsection F, Guideline 8 regarding a community pre-application meeting, was found to be not applicable to this request due to a lack of community surrounding the subject site.

CONCLUSIONS OF LAW

- (1) The request for Zone Map Amendment is in conformance with the Sandoval County Comprehensive Zoning Ordinance, the Sandoval County Comprehensive Plan, and the June 2013 DRAFT Rio Rancho Estates Area Plan.

ORDER

The SANDOVAL COUNTY BOARD OF COUNTY COMMISSIONERS, having brought this matter on for public hearing on request by Laurie Moye, Agent for Public Service Company of New Mexico (PNM), for approval of a Zone Map Amendment from CD-RRE (Rio Rancho Estates Community District) to SU (Special Use) district for a Solar Energy Facility and Related Uses for the location referenced above and having considered the sworn presentations of the Applicant, the Zoning Officer, and the entire record in this matter,

IT IS ORDERED that the Applicant's request for approval of a Zone Map Amendment from CD-RRE to SU be and hereby is **GRANTED** subject to the **CONDITIONS** stated on the record and to be confirmed in writing by the Sandoval County Planning and Zoning Division.

SANDOVAL COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Darryl Madalena, Chair

ATTEST:

Eileen Garbagni, County Clerk

SUBMITTED BY:

Patrick Trujillo, County Attorney

NOTICE OF APPEAL RIGHTS

Pursuant to NMSA 1978, 3-21-9 any person aggrieved by this decision may appeal pursuant to the provisions of NMSA 1978, 39-3-1.1 (2000 Cum. Sup.). Any such appeal must be initiated by the filing in District Court of a notice of appeal within thirty (30) days of the filing of this final decision with the Sandoval County Clerk. The procedures for such appeal are governed in part by the Rule of Civil Procedure 1-074.

ORDINANCE NO. 2-6-14.10

AMENDMENT TO AN OFFICIAL ZONING MAP ADOPTED PURSUANT TO THE SANDOVAL COUNTY COMPREHENSIVE ZONING ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL COUNTY THAT THE FOLLOWING AMENDMENT IS HEREBY MADE TO AN OFFICIAL SANDOVAL COUNTY ZONING MAP AS FOLLOWS:

THE PROPERTY HEREIN DESCRIBED IS HEREBY ZONED SU (SPECIAL USE) FOR SOLAR ENERGY FACILITY FOLLOWING THE DECISION OF THE BOARD OF COUNTY COMMISSIONERS ON CASE # **ZNCH-14-001**:

LOTS 15-34, BLOCK 88; LOTS 1-22, BLOCK 87; LOTS 7-16 AND 20-27, BLOCK 86; AND LOTS 8-14, BLOCK 80, UNIT 6, RIO RANCHO ESTATES SUBDIVISION, AS SHOWN ON THE PLAT THEREOF FILED IN THE OFFICE OF THE SANDOVAL COUNTY CLERK.

THE ABOVE REFERENCED AMENDMENT WAS MADE SUBJECT TO THE FOLLOWING CONDITIONS:

CONDITIONS

- (1) The uses of the property shall be limited to those proposed with this application. Any substantial change in uses shall require the approval of the board of county commissioners upon recommendation of the Planning & Zoning Commission. In no case will any residential development of any kind be allowed within the Special Use (SU) district approved for the subject site.
- (2) The zone map amendment will become effective upon the approval by the board of county commissioners of a plat consolidating the properties into one parcel and vacating road rights-of-way as appropriate.
- (3) The entrance to the facility shall be moved north from the location indicated on the site plan to Encino road and 14th street. The entrance shall be dimensioned with a minimum 20-foot access width, with gate and locking measures to be reviewed and approved by the County Fire Chief.
- (4) The grading and drainage plan for the subject site shall be reviewed and approved by the County Engineer prior to commencement of construction on the subject site.
- (5) Concertina fence wiring shall be placed only on the interior base of the perimeter fencing.

PASSED AND APPROVED THIS _____ DAY OF _____ 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY

Eileen Garbagni, County Clerk

Darryl Madalena, Chair

Orland Lucero, Vice Chair

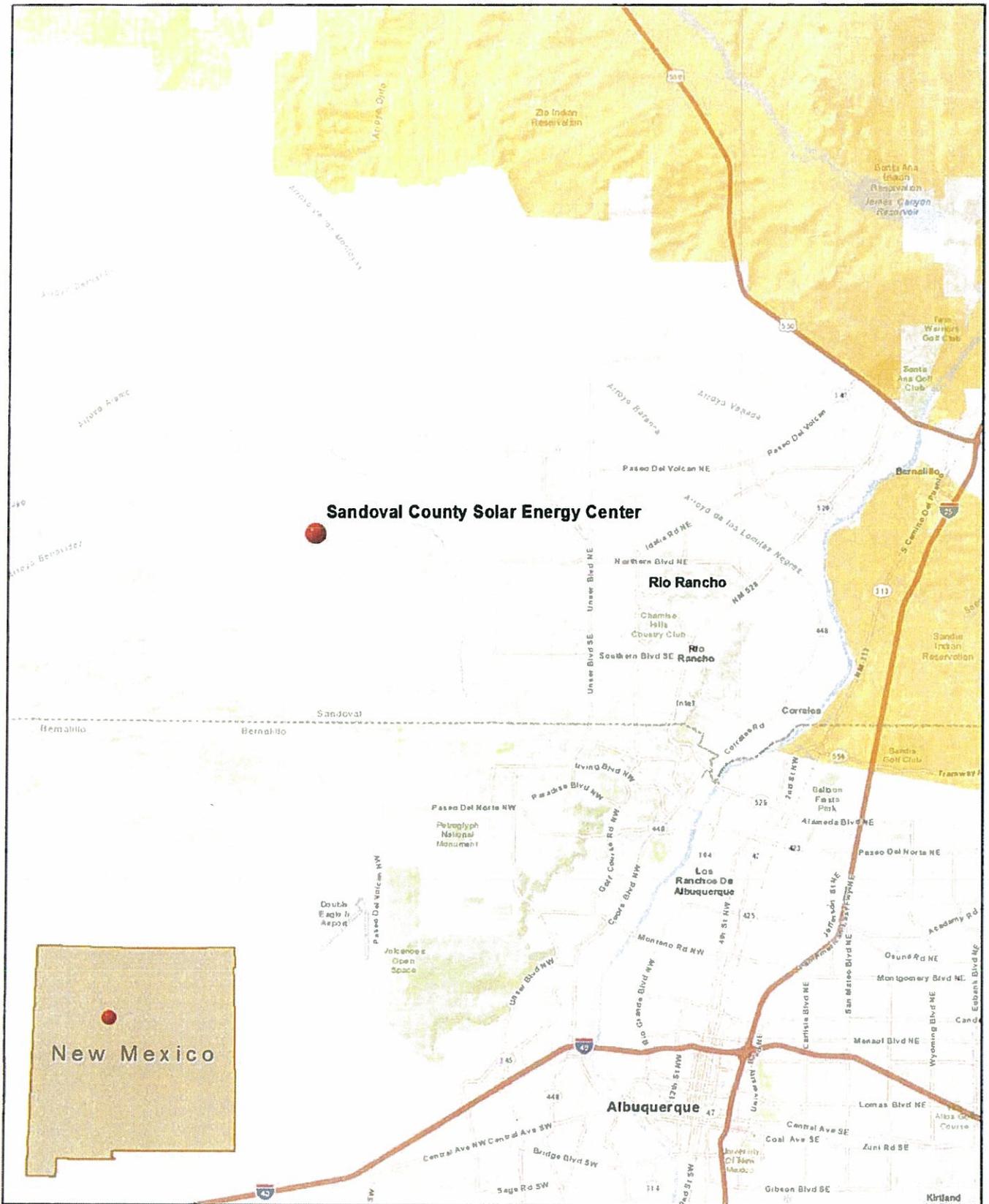
APPROVED AS TO FORM:

Nora Scherzinger, Member

Patrick Trujillo, County Attorney

Don Chapman, Member

Glenn Walters, Member

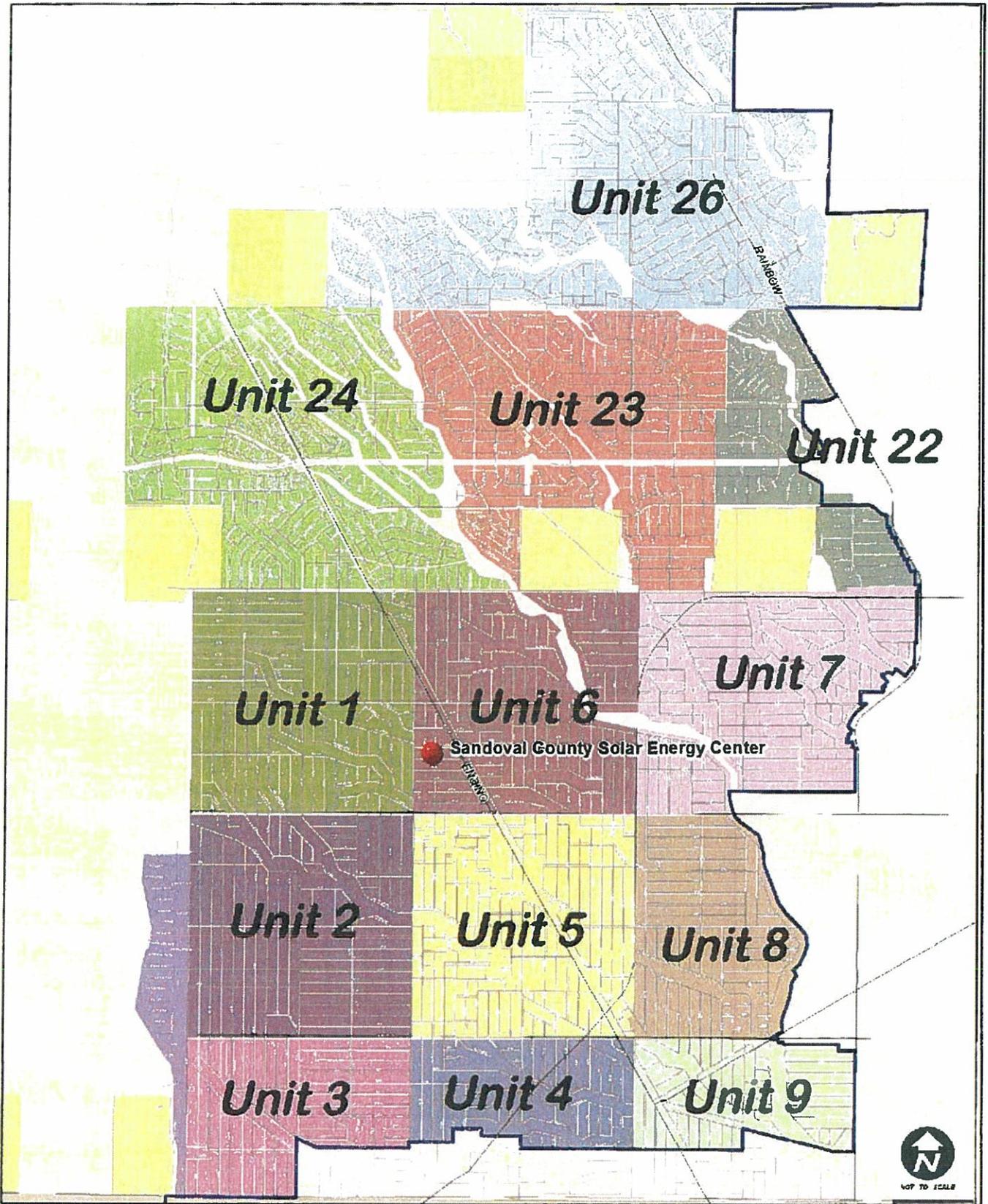


Sandoval County Solar Energy Center

Location and Vicinity Map

Figure 1



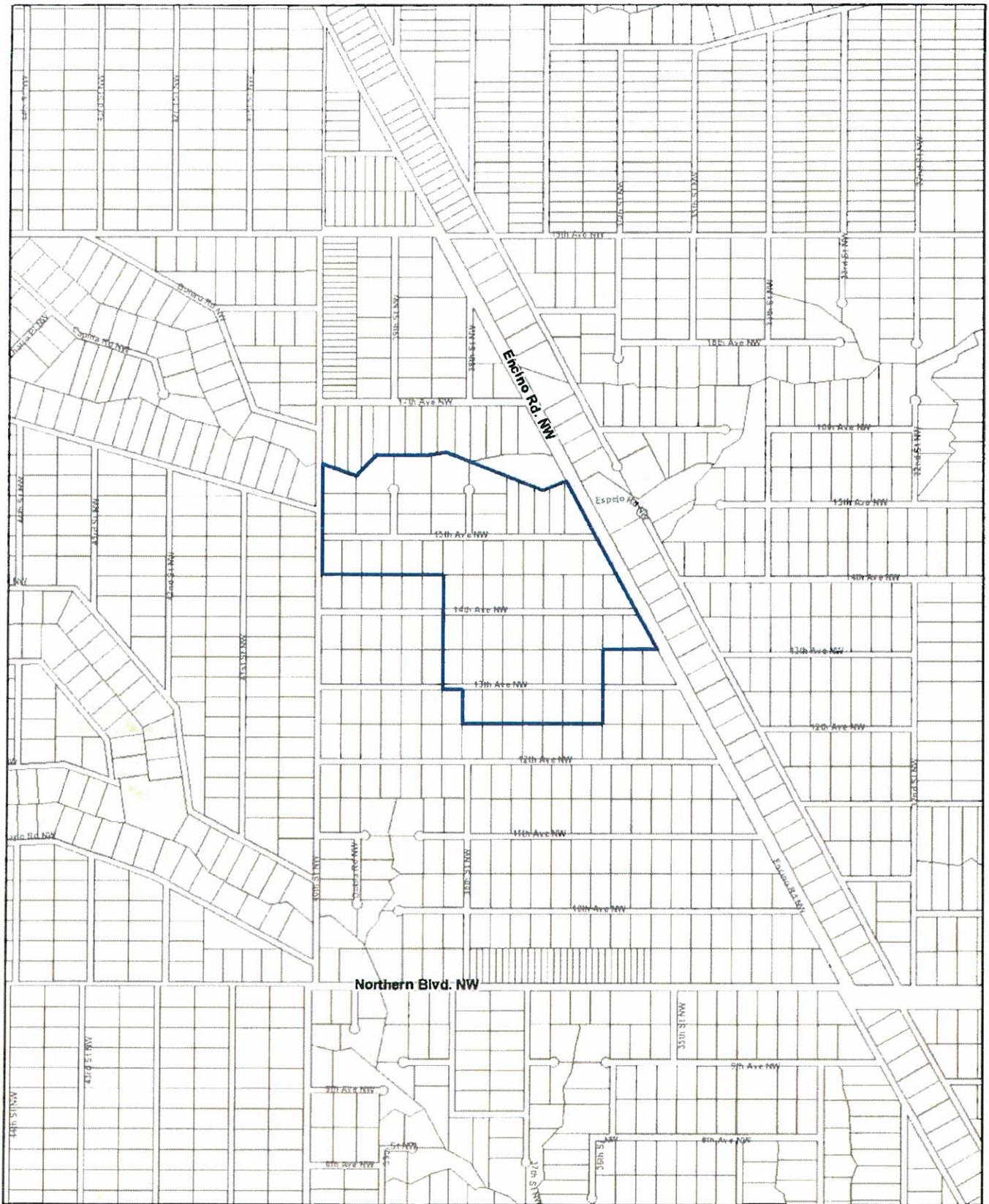


Sandoval County Solar Energy Center

Project Location and Rio Rancho Estates

Figure 2



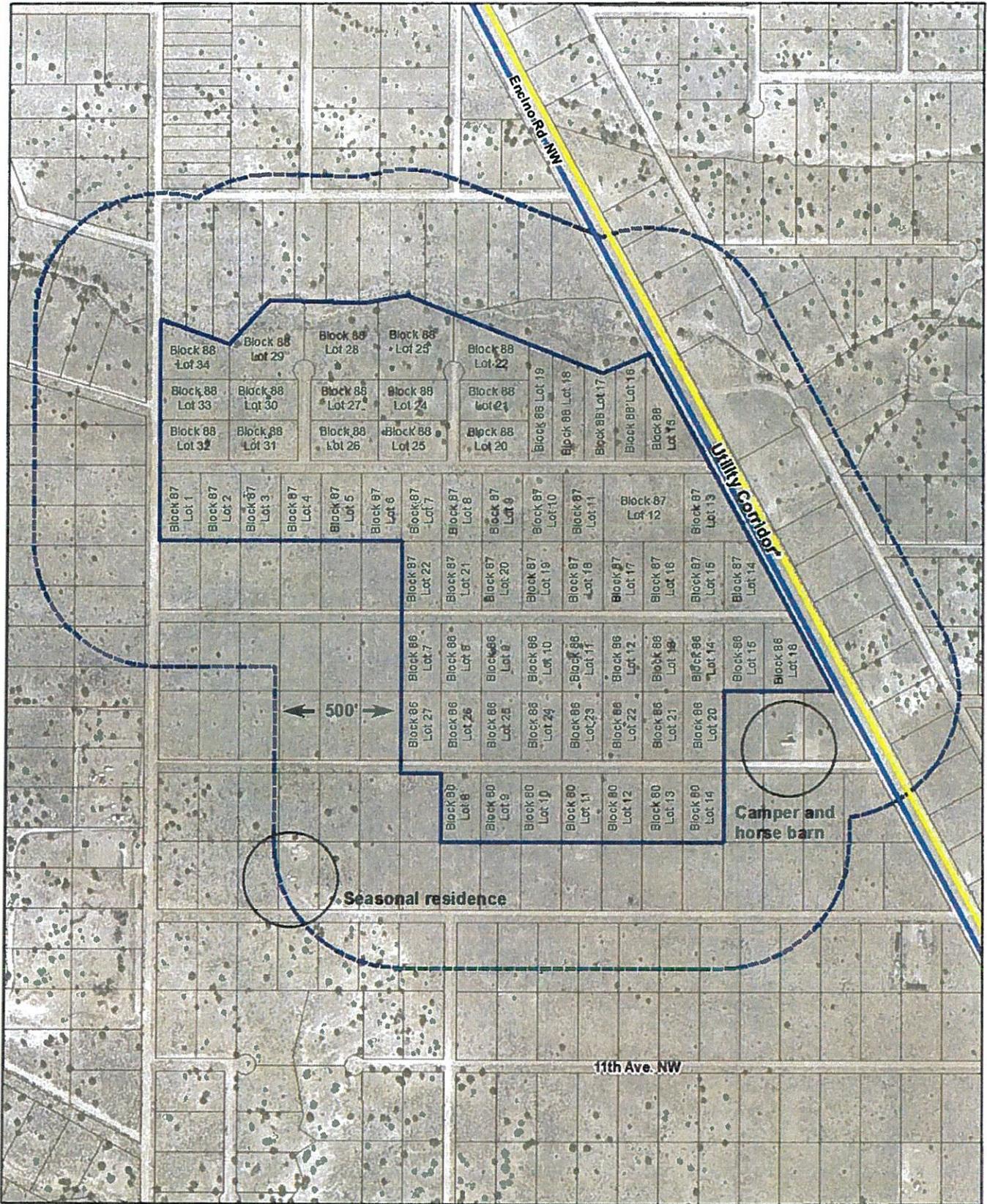


Sandoval County Solar Energy Center

Project Boundary and Parcels to be Re-Zoned

Figure 3





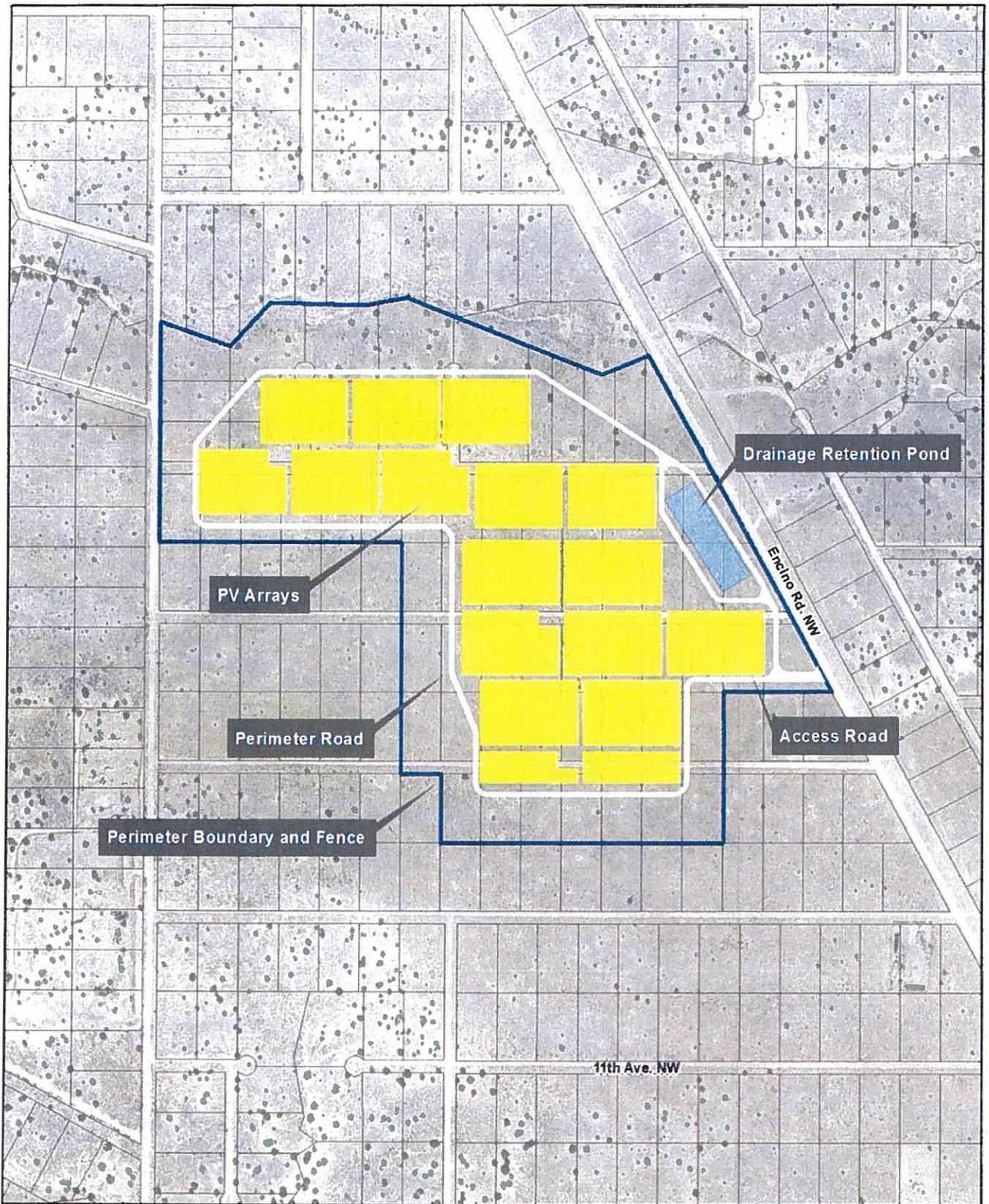
Sandoval County Solar Energy Center

Structures Within 500' of Project Boundary

Figure 4

* PNM 115kV electric transmission line and Gas Company of New Mexico Albuquerque Mainline natural gas transmission line

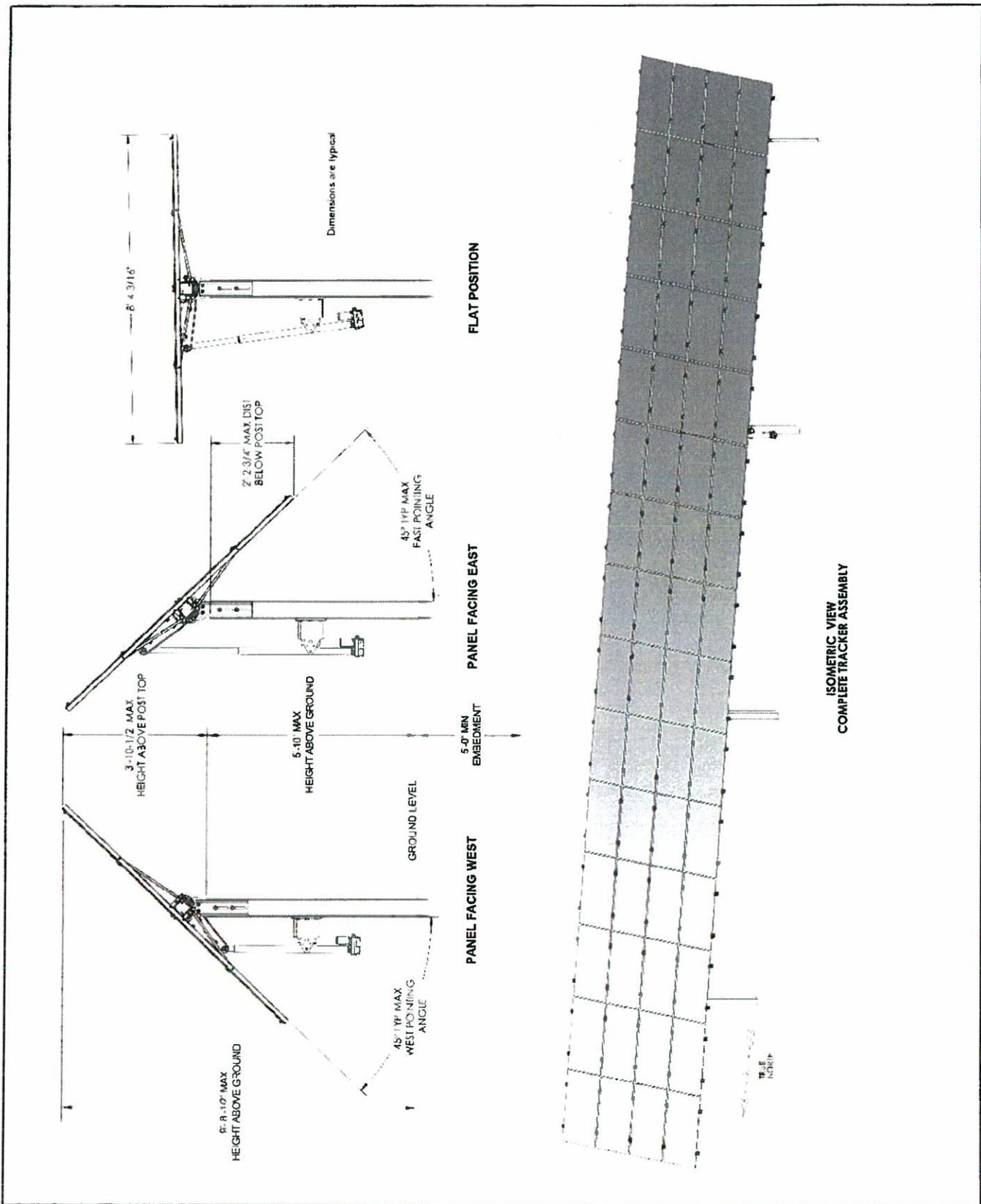




Sandoval County Solar Energy Center

Project Site Plan
Figure 5





Sandoval County Solar Energy Center
Tracking Solar Array Elevations and Isometric Views
 Figure 6

No Scale

